

By: Villarreal

H.B. No. 660

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sale of malt liquor, ale, and beer by the holder of a
3 brewpub license.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 74.01(a), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (a) A holder of a brewpub license for a brewpub located in a
8 wet area, as that term is described by Section 251.71 [~~of this~~
9 ~~code~~], may:

10 (1) manufacture, brew, bottle, can, package, and label
11 malt liquor, ale, and beer;

12 (2) sell or offer without charge, on the premises of
13 the brewpub, to ultimate consumers for consumption on or off those
14 premises, malt liquor, ale, or beer produced by the holder, in or
15 from a lawful container, to the extent the sales or offers are
16 allowed under the holder's other permits or licenses; [~~and~~]

17 (3) sell food on the premises of the holder's
18 breweries;

19 (4) sell malt liquor and ale to wholesale permit
20 holders in this state or to qualified persons outside this state;
21 and

22 (5) sell beer to holders of general, local, or branch
23 distributor's licenses in this state or to qualified persons
24 outside this state.

1 SECTION 2. Section 74.03, Alcoholic Beverage Code, is
2 amended to read as follows:

3 Sec. 74.03. PRODUCTION LIMIT. (a) The total annual
4 production of malt liquor, ale, and beer by a holder of a brewpub
5 license for sale to ultimate consumers for consumption on or off the
6 license holder's licensed premises may not exceed 5,000 barrels for
7 each licensed brewpub established, operated, or maintained by the
8 holder in this state.

9 (b) The combined total annual production of malt liquor,
10 ale, and beer for all licensed brewpubs established, operated, or
11 maintained by the holder of a brewpub license in this state may not
12 exceed 75,000 barrels.

13 SECTION 3. Chapter 74, Alcoholic Beverage Code, is amended
14 by adding Section 74.08 to read as follows:

15 Sec. 74.08. SALES BY CERTAIN BREWPUB LICENSE HOLDERS. (a)
16 In addition to the activities authorized by Section 74.01, the
17 holder of a brewpub license whose total annual production of malt
18 liquor, ale, and beer at a licensed brewpub in this state does not
19 exceed 10,000 barrels may:

20 (1) sell malt liquor or ale produced under the license
21 to those persons to whom the holder of a general class B
22 wholesaler's permit may sell malt liquor or ale under Section
23 20.01; and

24 (2) sell beer produced under the license to those
25 persons to whom the holder of a general distributor's license may
26 sell beer under Section 64.01.

27 (b) With regard to a sale under Subsection (a)(1), the

1 brewpub license holder has the same authority and is subject to the
2 same requirements that apply to a sale made by the holder of a
3 general class B wholesaler's permit.

4 (c) With regard to a sale under Subsection (a)(2), the
5 brewpub license holder has the same authority and is subject to the
6 same requirements that apply to a sale made by the holder of a
7 general distributor's license.

8 SECTION 4. Section 74.01(f), Alcoholic Beverage Code, is
9 repealed.

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.